

CHAPTER NO. 496

SENATE BILL NO. 2601

By Burchett

Substituted for: House Bill No. 2590

By Hagood, Shaw, Hensley, Shepard, Patton, Brenda Turner, Gresham

AN ACT to amend Tennessee Code Annotated, Title 56, relative to timely response to inquiries based on certain complaints filed with the Department of Commerce and Insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

56-1-1___. (a) Notwithstanding any other provision of law or rule to the contrary, if the Department of Commerce and Insurance makes a request for information from an entity or individual licensed under this title, or required to be licensed under this title, concerning a complaint filed against such entity or individual, and such request requires a response, the entity or individual must respond to such request within a reasonable time. As used in this section, "reasonable time" shall mean a period of time not to exceed thirty (30) days from the date the request is received by the entity or individual. For the purposes of this section, the response by the entity or individual shall constitute a response if it acknowledges the inquiry from the department and sets forth a time frame to address the substantive issues in the inquiry.

(b) The provisions of this section do not apply to or preempt any other provision of law which requires or allows the commissioner to require an individual or entity to respond to a request from the Department of Commerce and Insurance within a period of time less than thirty (30) days.

(c) The commissioner may levy a civil penalty in the amount of one hundred dollars (\$100) per day upon any entity or individual that fails to respond within a reasonable time.

(d) The provisions of this section do not rescind or preempt any due process rights of entities regulated pursuant to Title 56.


(e) This section does not apply to entities subject to regulation by the department that participate in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 31, 2004



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of April 2004



PHIL BREDEBEN, GOVERNOR